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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,859	01/03/2002	Jean-Claude Sarfati	11345.040001	6371
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OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010			EXAMINER SHEPARD, JUSTIN E	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 11/02/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/038,859

Applicant(s)

SARFATI ET AL.

Examiner

Justin E. Shepard

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,6 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 10/12/07 have been fully considered but they are not persuasive.

Page 6, last paragraph:

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant's remaining arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher in view of Brotz in view of Lambert in view of Mattis

Referring to claim 1, Boucher discloses a method for administrating information in an interactive communication system comprising:

- receiving a request for information (figure 2, box 210), wherein the information is a broadcast program (figure 5A; column 12, lines 1-23; Note: information broadcast to a television receiver is interpreted as a broadcast program) wherein the request for information comprises at least one selected from the group consisting of a request from a user and a request resulting from execution of a program (column 8, lines 53-55);

- determining whether the information is available in a cache memory (figure 2, box 220):

  - if the information is available in the cache memory (figure 2, boxes 220 and 230):

  - determining whether a duration of validity associated with the information is expired (figure 2, box 230);

  - loading the information from the cache memory into a buffer memory if the duration of validity associated with the information is not expired (figure 2, box 240);

  - and storing the updated information in the cache memory (figure 2, box 240) and the buffer memory (column 1, lines 33-34 and 55-57), if the duration of validity associated with the information is expired (figure 2, boxes 230 and 260):

  - if the information is not available in the cache memory (figure 2, boxes 220 and 260):

downloading the updated information from the broadcast source (figure 2, box 260):

and storing the updated information in the cache memory (figure 2, box 201) and the buffer memory (column 1, lines 33-34 and 55-57).

Boucher does not disclose a method for downloading updated information from a broadcast source, and affixing at least one portion of the updated information with a duration of validity.

In an analogous art, Brotz teaches a method for downloading updated information from a broadcast source (figure 1A, parts 150 and 190; figure 3, parts 130, 132, and 150), and affixing at least one portion of the updated information with a duration of validity (column 10, lines 37-40).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use a broadcast source to transmit internet data to the receiver, as taught by Brotz. The motivation would have been that Boucher discloses that the data could be read from another content data source (column 7, lines 1-2).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the validation updating taught by Brotz to the method disclosed by Boucher. The motivation would have been to collect updated information to help perform the cache maintenance.

Boucher and Brotz do not disclose a method wherein the duration of validity is a period of time during which the information is valid, and wherein the duration of validity is determined based on a date and time that the broadcast program airs on a broadcast

medium, wherein the duration or validity expires after the airing of the broadcast program; and wherein the duration of validity is determined based on a content of the updated information; and wherein an identifier is affixed to the updated information when it is stored in the cache memory, and wherein the identifier associated with the updated information is based on the content of the updated information.

In an analogous art, Lambert teaches a method wherein the duration of validity is a period of time during which the information is valid, and wherein the duration of validity is determined based on a date and time that the broadcast program airs on a broadcast medium, wherein the duration or validity expires after the airing of the broadcast program (column 32, lines 3-4 and 7-10; Note: the point when the information is viewed is interpreted as the time when the program is aired on the receiver, and therefore any time period set for expiry would be based on this "time of airing" and would be after the "time of airing" regardless of the time limit set); and wherein the duration of validity is determined based on a content of the updated information (column 32, lines 49-57; Note: Changing the validity duration each time the content is updated is interpreted as being equivalent to determining the validity based on the updated information); and wherein an identifier is affixed to the updated information when it is stored in the cache memory, and wherein the identifier associated with the updated information is based on the content of the updated information (column 32, lines 49-57; Note: The sample is interpreted as being an updated identification, as it is unique for the piece of content and is updated each time the content is stored).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the validity updating taught by Lambert to the method disclosed by Boucher and Brotz. The motivation would have been to allow certain media (such as the news) to have a shorter expiration period as the content would not be worth caching for a long period of time.

Boucher, Brotz and Lambert do not disclose a method with the step of determining whether the information is available in a cache memory by performing a search using an identifier of the information, wherein the identifier is a digital signature made from at least one portion of the information; and wherein the new identifier is a digital signature made using at least one portion of the content.

In an analogous art, Mattis teaches a method with the step of determining whether the information is available in a cache memory by performing a search using an identifier of the information, wherein the identifier is a digital signature made from at least one portion of the information (column 9, lines 35-45; figure 3B; figure 9A); and wherein the new identifier is a digital signature made using at least one portion of the content (column 9, lines 16-21).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the key system taught by Mattis to the method disclosed by Boucher, Brotz and Lambert. The motivation would have been to enable faster lookups by using only a portion of the key in the initial search (Mattis: column 9, lines 35-45)

Claim 11 is rejected on the same grounds as claim 1.

Referring to claim 6, Boucher and Brotz do not disclose a method according to claim 1, wherein an arbitrary predetermined duration of validity is affixed to the updated information.

In an analogous art, Lambert teaches a method according to claim 1, wherein an arbitrary predetermined duration of validity is affixed to the updated information (column 34, lines 8-12).

At the time of the invention it would have been obvious for one of ordinary skill in the art to set a predetermined expiration time as taught by Lambert in the method disclosed by Boucher and Brotz. The motivation would have been to enable the media to have an expiration data when no data is available to help the server make an informed decision (Lambert: column 34, lines 6-12).

Referring to claim 9, Boucher discloses a method according to claim 7, for the administration of data information associated with program information, a first identifier is affixed to a data information, wherein the first identifier depends from a second identifier that is affixed to associated program information (column 6, lines 49-54).

Referring to claim 10, Boucher discloses a method according to claim 1, wherein the updated information is stored in the cache memory and the buffer memory in the form of one selected from the group consisting of tables of Motion Picture Expert Group (MPEG) sections (column 10, lines 32-33).



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

  
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